

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BRUCE ECKHARDT,

Petitioner,

-v.-

Civil Action No.
9:04-cv-559 (GLS/GHL)

SUPERINTENDENT, Attica
Correctional Facility,

Respondent.

APPEARANCES:

OF COUNSEL:

FOR THE PETITIONER:

OFFICE OF TERESA C. MULLIKEN
Counsel for Petitioner
P.O. Box 204
Harpersfield, New York 13786

TERESA C. MULLIKEN, ESQ.

FOR THE RESPONDENT:

HON. ANDREW M. CUOMO
Attorney General for the State
of New York
Attorney for Respondent
120 Broadway
New York, New York 10271

DANIELLE L. ATTIAS
Assistant Attorney General

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-
Recommendation by Magistrate Judge George H. Lowe, duly filed March

25, 2008. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge George H. Lowe filed March 25, 2008 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the petition for a writ of habeas corpus (Dkt. No. 1) is DENIED and DISMISSED, and it is further

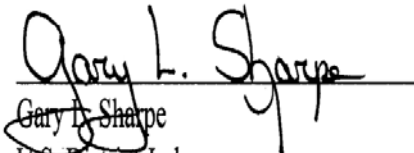
ORDERED, that since the petitioner has failed to make a substantial showing of a denial of a constitutional right, a certificate of appealability will not be issued, and it is further

ORDERED, that the clerk enter judgment in favor of the respondent, and it is further

ORDERED, that the Clerk serve a copy of this order on all parties by regular mail.

IT IS SO ORDERED

Dated: April 24, 2008
Albany, New York


Gary L. Sharpe
U.S. District Judge